

REMARKS

In the Final Office Action^[1], the Examiner took the following actions:

rejected claims 1, 2, 4, 6-8, 10, and 12-15 under 35 U.S.C. §102(b) as being unpatentable over *Johnson et al.*, U.S. Patent No. 5,615,408 ("*Johnson*")^[2];

rejected claims 28 and 29 under 35 U.S.C. §102(e) as being unpatentable over *Pillay et al.*, U.S. Publication No. 2002/0042763 A1 ("*Pillay*");

rejected claims 5 and 11 under 35 U.S.C. §103(a) as being obvious over *Johnson* in view of *Natsuno*, U.S. Patent No. 7,231,202; and

rejected claims 16, 18-25, and 27 under 35 U.S.C. §103(a) as being obvious over *Johnson* in view of *Mills et al.*, U.S. Patent No. 7,024,386 ("*Mills*").

Applicants propose to amend claims 1, 6, 7, 11, 12, 16, and 28, and cancel claim 29 without prejudice or disclaimer, and add new claims 30-34. Upon entry of this Amendment, claims 1, 2, 4-8, 10-16, 18-25, 27, 28, and 30-34 will be pending in the Application.

Applicants thank Examiner Onyezia for the courtesies extended to Applicants' representative during the telephonic interview held on May 12, 2009. During the interview Examiner Onyezia and Applicants' representative agreed to suggestions for amending independent claims 1 to overcome the rejection under 35 U.S.C. § 102(b). These suggestions are reflected in the amendments to the claims.

^[1] The Final Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

^[2] The heading on page 2 of the Final Office Action states claims 1-4, 6-10, 12-15, and 27 are rejected under 35 U.S.C. §102(b). Applicants point out claims 3 and 9 are cancelled and should not be listed in the rejection of the claims. Applicants also point out that claim 27 depends from claim 19. Claim 19 is listed on page 11 as rejected under 35 U.S.C. §103(a) as being obvious over *Johnson* in view of *Mills*. Therefore, Applicants assume the Office Action intended claim 27 to be rejected over *Johnson* in view of *Mills*.

I. Rejection of Claims 1, 2, 4, 6-8, 10, and 12-15 under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1, 2, 4, 6-8, 10, 12-16, 18-23, 25, and 27 under 35 U.S.C. § 102(b) as anticipated by *Johnson*. In order to properly establish that *Johnson* anticipates the claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.”

M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 defines a credit management system, including, “applying **credit rules** to the credit information, the credit data received from the credit information manager, the credit limit master data, the **calculated open and used credit**, and the accounting information relating to said customer, to generate **internal scoring** and **internal credit limits**.” Emphasis added. *Johnson* fails to teach or suggest at least these elements of proposed amended claim 1.

The Final Office Action alleges *Johnson* teaches “a credit rules engine, said credit rules engine applying credit rules to the credit information, the credit limit master data and calculated open and used credit, and the accounting information relating to said customer to generate internal scoring and internal credit limits” by referencing column 8, line 57- column 9, line 17 of *Johnson*. Final Office Action, p. 3. However, this characterization of *Johnson* is incorrect. This portion of *Johnson* relates to the credit score information that may be obtained from a credit bureau. *Johnson*, col. 8, lines 57-59. *Johnson* also discusses the interface that is provided to communicate between the

credit bureau and the mobile switching center. *Johnson*, col. 8, line 57 - col. 9, line 7. Further, *Johnson* discusses adjusting the credit extended to a customer based on the updated credit scores received from the credit bureau. *Johnson*, col. 9, lines 8-17. However, nothing in this passage, or any other passage of *Johnson* teaches, or even suggests “applying **credit rules** to the credit information, the credit data received from the credit information manager, the credit limit master data, the **calculated open and used credit**, and the accounting information relating to said customer, to generate **internal scoring and internal credit limits**,” as recited in independent claim 1 (emphasis added).

Further, the Final Office Action states “[the] limitation ‘for calculating open and used credit’ represents intended use which holds no patentable weight.” Final Office Action, p. 15. The Final Office Action further alleges the claimed element holds no patentable weight because “the interface computer system is capable of performing the task.” *Id.* Applicants disagree. Claim 1 recites “[a] credit limit manager . . . calculating open and used credit for said customer.” This is not an intended use, but a recited feature of the credit limit manager. Relevant portions of M.P.E.P. § 2106(II)(B) state “[a]s a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope . . . The following are examples of language that may raise a question as to the limiting effect of the language in a claim: (A) statements of intended use or field of use” Applicants submit that the recitation “calculating open and used credit for said customer” in claim 1 limits the claim scope and is therefore not an intended use. Therefore recitation of “calculating open and used

credit for said customer” should be given patentable weight by the Examiner and the failure to do so renders the rejection of claim 1 to be improper.

For at least the reasons listed above, *Johnson* fails to teach or suggest all of the elements of claim 1. Accordingly, *Johnson* does not anticipate independent claim 1. Claims 2 and 4 depend from claim 1 and are thus also allowable for at least the same reasons as that discussed above for claim 1.

Independent claims 6 and 12, although of difference scope from claim 1, and each other, recite elements similar to those discussed for claim 1 above and are therefore allowable for at least similar reasons to those presented above for claim 1. Claims 7, 8, 10, and 13-15 are also allowable in view of their dependency from claim 6 or 12. New independent claim 30 and dependent claims 31 and 32 also recite elements similar to those discussed for claim 1 above, and are therefore also allowable for at least similar reasons to those presented above for claim 1.

II. Rejections of Claims 28 and 29 under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 28 and 29 under 35 U.S.C. § 102(e) as anticipated by *Pillay*. Independent claim 28, as proposed amended, defines a method of automatically preparing a credit checklist including “taking information relating to a **predetermined percentage** of the customers reported by the accounts receivable system, a **predetermined percentage** of the customers reported by the billing system, **critical customers’ information** received, and **suspicious customers’ information** received, and preparing a report therefrom.” *Pillay* fails to teach or suggest at least this element as recited in claim 28.

The Final Office Action alleges *Pillay* teaches “creating a report for a predetermined number of one or more customers,” citing to paragraph 66. The Final Office Action further alleges *Pillay* teaches “said predetermined volume comprises a predetermined percentage of said customers,” by stating “[the] examiner interprets the providing of reports to all customers a predetermined percentage of 100%.” Final Office Action, pp. 8-9.

However, this is incorrect. Previous claim 29, now proposed amended claim 28, recites “taking information relating to a **predetermined percentage** of the customers,” emphasis added. The “providing of reports to all customers a predetermined percentage of 100%” as allegedly disclosed in *Johnson* does not equate to “information relating to a predetermined percentage of the customers” taken in combination with other information and that a “report [is prepared] therefrom,” as recited in proposed amended claim 28. Accordingly, for at least these reasons, *Pillay* does not anticipate independent claim 28. Claim 29 is proposed cancelled, rendering the rejection of the claim moot.

III. Rejections of Claims 5 and 11 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner’s rejection of claims 5 and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Natsuno*. A *prima facie* case of obviousness has not been established.

Claims 5 depends from claim 1 and, thus, incorporates each and every element recited therein. As noted above, *Johnson* fails to teach or suggest a “applying **credit rules** to the credit information, the credit data received from the credit information manager, the credit limit master data, the **calculated open and used credit**, and the accounting information relating to said customer to generate **internal scoring** and **internal credit limits**,” as recited in claim 1. The Examiner cited *Natsuno* as allegedly teaching information comprising customer profession and age information. Final Office Action, p. 10. Even assuming the Examiner’s characterization of *Natsuno* is correct, *Natsuno* still fails to cure the deficiencies of *Johnson*, including with respect to the above-noted elements of claim 1. Accordingly, the cited references, taken either alone or in any reasonable combination, fail to teach or suggest all the limitations of claim 1 and dependent claim 5.

For at least these reasons, *Johnson* and *Natsuno* therefore fail to support a *prima facie* case of obviousness. The rejection of claim 5 under 35 U.S.C. §103 as being obvious over *Johnson* in view of *Natsuno* is thus improper and should be withdrawn.

Similarly, claim 11 depends from independent claim 6 and thus incorporates each and every element recited therein. For similar reasons to that stated above, no *prima facie* case of obviousness is established with respect to claim 11 based on the combination of *Johnson* and *Natsuno*. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 11.

IV. Rejections of Claims 16, 18-25, and 27 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the Examiner's rejection of claims 16, 18-25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Mills*. A *prima facie* case of obviousness has not been established.

Independent claim 16 defines a method of automated credit limit monitoring including "accounting information compris[ing] data relating to **open items, new orders, and unbilled and billed** but not posted." *Johnson* fails to teach or suggest all of the elements of claim 16.

The Final Office Action acknowledges *Johnson* fails to disclose "accounting information comprises data relating to at least one of open items, new orders, and unbilled and billed but not posted items." Final Office Action, p. 13. Thus it is undisputed *Johnson* fails to teach at least the above-mentioned element recited in proposed amendment claim 16. To cure the deficiencies of *Johnson* the Examiner relies upon *Mills*. *Id.*

Mills fails to cure the deficiencies of *Johnson*. The Final Office Action alleges *Mills* cures this deficiency by stating "Mills discloses credit limits based on new trades." *Id.* Even if *Mills* discloses "credit limits based on new trades," which Applicants do not concede, *Mills* fails to teach or suggest "accounting information compris[ing] data relating to **open items . . . unbilled and billed** but not posted."

Therefore *Mills* fails to teach, suggest, or make obvious a method of automated credit limit monitoring including "accounting information compris[ing] data relating to **open items, new orders, and unbilled and billed** but not posted," as recited in proposed amended claim 16.

Accordingly, for at least these reasons, *Johnson* does not anticipate independent claim 16. Claim 18 depends from claim 16 and is also allowable for at least reasons similar to that discussed above for claim 18.

Independent claim 19, although of difference scope from claim 16, recites elements similar to those discussed for claim 1, above and is therefore allowable for at least reasons similar to that presented for claim 16. Claims 20-25 and 27 are also allowable in view of their dependence from claim 19. New independent claim 33 and dependent claim 34 also recite elements similar to those discussed for claim 16 above, and are therefore also allowable for at least similar reasons to those presented above for claim 16.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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